

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

MAR 20 2020

David J. Bradley, Clerk of Court

United States of America

v.

Daniel Ellsworth JANSSEN

Case No. C-20-1012M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 12, 2019 in the county of Nueces in the
Southern District of Texas, the defendant(s) violated:

Code Section

18, USC, Sections 2252(a)(4)(B)
and 2252(b)(2).

Offense Description

did knowingly possess at least one matter which contains any visual
depiction that had been shipped and transported using any means and facility
of interstate and foreign commerce and had been shipped and transported in
and affecting interstate and foreign commerce the production of such visual
depiction involved the use of a prepubescent minor engaging in sexually
explicit conduct and such visual depiction was of such conduct.

This criminal complaint is based on these facts:

See attached document titled, "AFFIDAVIT"

☒ Continued on the attached sheet.

Lina A. Gilderson

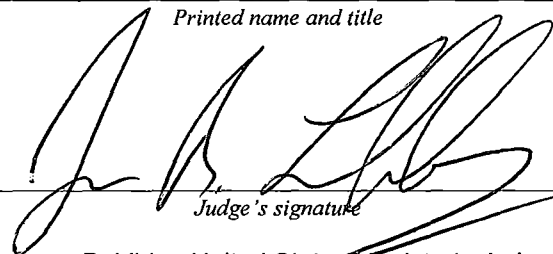
Complainant's signature

Lina A. Gilderson, Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to,
signature, attested telephonically per Fed. R. Crim.
P. 4.1, and probable cause found on:

Sworn to before me and signed in my presence.

Date: 03/20/2020City and state: Corpus Christi, Texas


Judge's signature

Jason B. Libby, United States Magistrate Judge

Printed name and title

AFFIDAVIT

I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), currently assigned to the Assistant Special Agent in Charge office in Corpus Christi, Texas. I have been employed in this agency since October 2001 and my responsibilities include investigating criminal violations related to offenses committed against the United States including but not limited to, child sexual exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography in violation of Title 18, United States Code Sections 2252 and 2252A.

I am familiar with the information contained in this Affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers and witnesses involved in this investigation, or others who have engaged in numerous investigations involving the sexual exploitation of children.

The facts in this Affidavit come from my personal observations, my training, and experience as well as information obtained from other law enforcement officers, agents and witnesses. This Affidavit is intended to show that there is sufficient probable cause for the criminal charges being described below in this matter.

Based on my training, experience, and the facts set forth in this Affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2); Possession of Child Pornography and Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1); Distribution of Child Pornography have been committed by Daniel JANSSEN.

PROBABLE CAUSE

On July 12, 2019, a Corpus Christi Police Department (CCPD) Detective assigned to the Internet Crimes Against Children (ICAC) Unit, received numerous Cyber Tips from the National Center of Missing and Exploited Children (NCMEC). The Cyber Tips reported a person using the social media application Discord to upload Graphics Interchange Format (GIF) images and videos of child pornography.

A GIF file is an image file often used for web graphics designed by CompuServe. GIFs are a common format for web graphics, especially small images and images that contain text, such as navigation buttons. GIF images can also be animated and saved as "animated GIFs," which are often used to display basic animations on websites.

Discord is a free voice, video, and text chat app designed specifically for gamers and works on both desktop and cellphones. Discord, Inc. reported to NCMEC that one of its subscribers using Email Address: dontloosemypanda@gmail.com, Screen / Username: ShaggyMcDubz#7549 and using IP Address 72.176.113.160 had uploaded GIF image/video files believed to be child pornography.

The IP (Internet Protocol) address was searched and identified as belonging to Spectrum aka Charter Communications and the IP address was further located in the Corpus Christi, Texas, area. A CCPD ICAC Detective submitted an Administrative Subpoena to Charter Communications for IP address 72.176.113.160.

Charter Communications identified the customer assigned to IP address 72.176.113.160 as Henry Day with a billing and service address in Corpus Christi, Texas. CCPD ICAC Detectives investigated the address further and determined Henry DAY, Sheril Day and Daniel Ellsworth JANSSEN were residing at the same address. Further investigation revealed that Daniel JANSSEN was listed as a registered sex offender in Nueces County since 2016 for Indecency with a Child / Sexual Contact, a second-degree felony. The CCPD Sex Offender Registration confirmed that JANSSEN was currently registered as a sex offender at the same residence as that of Henry and Sheril Day and that JANSSEN had registered on June 17, 2019.

A State Search Warrant was obtained by the CCPD ICAC Unit to search Henry Day's residence for electronic devices. On September 12, 2019, CCPD ICAC detectives and officers and HSI CC special agents executed a state search warrant at the residence of Henry DAY. Henry DAY, Sheril DAY and their son, Daniel Ellsworth JANSSEN were encountered at the residence.

CCPD Detectives advised Henry DAY that we were investigating a case of child pornography being uploaded from the residence. Mr. DAY advised that he was not aware that was happening and was cooperative with identifying the location of his electronic devices. Contact was also made with JANSSEN, who was residing in a room near the pool area. CCPD Detectives advised JANSSEN that we were conducting a search warrant at the location for electronic devices in reference to illegal internet activity. CCPD Detectives further advised JANSSEN that he was not under arrest and asked if JANSSEN would agree to a voluntary interview at the CCPD ICAC office to which JANSSEN agreed. JANSSEN signed a Miranda Warning form to waive his rights prior to the interview.

JANSSEN provided his cell phone number as xxx-xxx-6732 and described his cell phone as a black Android. JANSSEN further provided his cellphone password. JANSSEN indicated that he was residing with his mother, Sheril DAY and his stepfather, Henry DAY and had been at the residence since approximately 2016. JANSSEN stated that he was charged with Attempted Sexual Assault of a Minor sometime in 2012 or 2013 but thought the case had been thrown out. JANSSEN stated that on or about July 27, 2016, JANSSEN received a ten (10) year probation and had to register as a sex offender. JANSSEN stated that he is currently in his third (3rd) year of his probation.

JANSSEN stated that he utilized the Discord application (app) when he played video games and his username is "Shaggy McDubz". JANSSEN stated that he used his cell phone and username to log into the app. JANSSEN identified his Discord account name, "Shaggy McDubz", as the same account name listed in the NCMEC Cyber Tip.

During the interview, JANSSEN was shown an array of nine (9) GIF images of child pornography (CP) received from the initial NCMEC Cyber Tip lead. The images were each assigned a number from 1-9. JANSSEN positively identified images numbers two (2), five (5)

and seven (7). JANSSEN stated that he had seen all three (3) images on Discord and further admitted that he did not delete them right away and had viewed them on more than one occasion. JANSSEN stated that the images may still be on his cell phone. JANSSEN further stated that he also had a hidden folder in his cell phone which contained approximately 1,000 images of Child pornography. JANSSEN stated that the password for the hidden folder was XXXX.

During an on-scene forensic preview of JANSSEN's cellphone, forensic analysts found the hidden folder with numerous images of child pornography corroborating JANSSEN's statement.

JANSSEN further stated that he had sent some of the GIF images shown to him, to his "buddy" through the Discord app as well. JANSSEN indicated that he viewed child pornographic images because of boredom and loneliness and tried not to think about it, but it would "pop up".

JANSSEN stated that JANSSEN would search for child pornography on internet sites such as XUSERNETARCHIVE.com, PRETEEN NNBBS, and XXFUCKDADDY.com. JANSSEN stated that he looked at CP approximately twelve (12) years ago and that he clicked on a link that took him to another area and had last viewed child pornography approximately one (1) month ago. JANSSEN was arrested and placed in jail on a state charge of Possession / Promotion of Child Pornography.

A forensic exam completed at a later date identified two (2) electronic devices belonging to JANSSEN and seized during the search warrant contained the following information listed here.

1) Acer Aspire laptop: 616 Child Images, 1,466 Child Erotica Images and 420 searches for pornography.

2) Samsung Galaxy J7: 7 videos of Child Pornography, 887 images of Child Pornography 1,512 images of Child Erotica. The forensic report also shows that the phone has a Discord application installed. The report indicates 51 user accounts including "Shaggy McDubz", which is depicted in the Cyber Tip from NCMEC. Further, the analysis showed that on August 12, 2019 and August 13, 2019, JANSSEN distributed images of child pornography via MMS message to a contact in his phone named Michelle.

The forensic report concluded that there are a total of 1,503 child pornography images and 2,981 child erotica images found on both examined devices. Among the images found were GIF's previously reported in the NCMEC Cyber Tip.

CONCLUSION

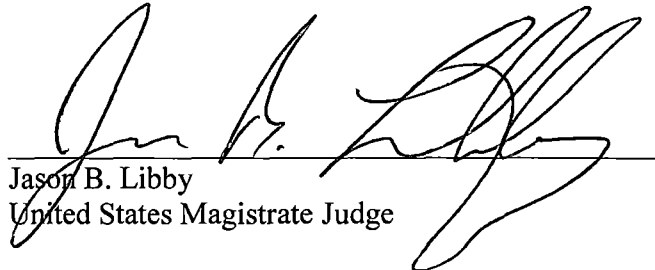
Based on the above details within this Affidavit, your affiant believes probable cause exists for the arrest of Daniel Ellsworth JANSSEN for a violations of Title 18, United States Code, Sections 2252(a)(4)(B) and 2252(b)(2); Possession of Child Pornography and Title 18, United States Code, Sections 2252(a)(2) and 2252(b)(1); Distribution of Child Pornography.

Lina A. Gilderson

Lina A. Gilderson
Homeland Security Investigations
Corpus Christi, Texas

Submitted by reliable electronic means, sworn to, signature, attested telephonically per Fed. R. Crim. P. 4.1, and probable cause found on:

Sworn to and subscribed before me this 20 day of March, 2020.


Jason B. Libby
United States Magistrate Judge